

Managed Force



Civilian police experts pursue the nitty-gritty of reform, in the patrol car and on the street.

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Sheriff's deputies prepare for patrol in Los Angeles County. The Sheriff's Department now fully documents every deputy's use of force greater than that necessary to handcuff a suspect.

The man pulled over for running a stop sign turned out to be a huge hulk, and when Deputy V. told him to put his hands on the patrol car for a search, he shot a look "that kind of made the hairs on the back of my neck stand up." The man said he'd come to the neighborhood to visit a friend but couldn't name the street he was on and took awhile to name his friend. When Deputy V. said he wanted to check the man's parole status and tried to pat him down again, the hulk spun around, delivered a swift kick and took off into a nearby backyard.

Deputy V. collected himself and headed into the yard, though he'd lost sight of the man - only to stumble into him near a fence. The man quickly overpowered him and dragged him deeper into the yard, then reached for the deputy's gun. In the life-and-death struggle that ensued, Deputy V. survived only by slipping his finger behind the trigger as the man tried, in vain, to squeeze off several shots.

Though the man continued to pummel him about the head, Deputy V. finally landed a punch of his own and regained control of the gun. Rising to his knees, he fired, striking the suspect in the chest and inflicting a fatal wound before collapsing into a daze, barely conscious enough to radio for help.

The stories read like segments from reality cop shows, but they are intended to instruct rather than entertain. Some might consider citing Deputy V. for heroism, but others fault him for allowing his courage to overcome his common sense. While justified in shooting the suspect as the encounter developed, why did it have to develop to that fatal point? Could Deputy V. have handled the situation in a way that spared the suspect's life—as the encounter began, the man had done nothing more than run a stop sign—and did not put his own at such great risk?

He certainly could have, and should have, in the opinion of experts at the Police Assessment Resource Center, a unique management consultancy for police departments nationwide. The close analysis of such cases is part of a larger effort to bring sophisticated practical oversight to the work of law enforcement agencies on the theory that some issues of police administration are far too important to be left to the police.

The public debate over civilian oversight has simmered for years, usually prompted by brutality or corruption cases—most notably the videotaped beating of Rodney King by Los Angeles police in 1991. It gained further urgency in the 1990's as urban localities found themselves paying out increasing sums to settle police brutality claims. Meanwhile, the Violent Crime Control and Law Enforcement Act of 1994 gave the Justice Department's Civil Rights Division new authority to investigate a local police department and bring a civil action against it where it could prove a "pattern and practice" of police misconduct. So far the division has reached consent decrees or settlements enforceable by the courts in Pittsburgh, Los Angeles, Washington, D.C., Cincinnati, Columbus, Buffalo, Detroit and four smaller cities. Such settlements may require the law enforcement agency to track officers' behavior, improve training, review supervision and discipline and submit to the regular review of an outside monitor.

PARC evolved against this background. Merrick Bobb, then a corporate lawyer, served as an investigator for a commission led by Warren Christopher to examine the Rodney King case and issues it raised for the Los Angeles Police Department. Soon after, the Board of Supervisors for Los Angeles County, the unincorporated area north and west of the city limits, set up a commission led by Judge James G. Kolts to review the Los Angeles County Sheriff's Department's use-of-force policies and practices. The L.A.S.D. is one of the larger law enforcement agencies in the country. Its force of 8,900 patrols a 3,154-square-mile area with a population of about three million and staffs a huge local jail. The county supervisors were nervous after the King case and concerned about a recent string of shootings by deputy sheriffs. Kolts appointed Bobb and another attorney, Julio Thompson, to help with the L.A. County inquiry.



Captain Tony Argott briefs deputies at the East Los Angeles Sheriff's substation. More rigorous monitoring of force incidents has altered the culture of patrol.

The group produced a searching analysis of force tactics and related issues for the L.A.S.D. and offered numerous recommendations for reforms. The supervisors remained worried about legal liability for police brutality and hired Bobb as a special counsel to implement the report's recommendations and continue monitoring the department.

In the mid 90's, Bobb and his work came to the attention of the Vera Institute of Justice, a law enforcement reform group in New York City. Vera's director, Chris Stone, saw that the Justice Department's "pattern and practice" investigations and settlements would create a need all over the country for the kind of insight and expertise Bobb had developed from his experiences with the Christopher and Kolts commissions and his ongoing work with the L.A.S.D. Vera created PARC and recruited Bobb to be its executive director.

The group operates out of a small suite of offices in downtown Los Angeles, with a staff of eight. In addition to monitoring the L.A.S.D., PARC contracts with departments in other cities concerned about police misconduct or facing court orders to address the issue.

The city of Portland, Ore., for example, called in PARC last year after the city council asked for an analysis of the Portland Police Bureau's use-of-force policies and practices as they relate to police shootings. "I recognized that I did not have the background or expertise to do this kind of review," says Richard Rosenthal, a former Los Angeles prosecutor and director of the Independent Police Review Division for the Portland City Auditor's office. After interviewing several outside consultants, he selected PARC as "the most responsible and qualified people in the nation. They prepare reports that are critical but fair," Rosenthal says.

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A bullet-riddled patrol car becomes the basis for class discussion at Laser Village, a tactics training center.

At the time, the city's decision to pursue the study did not reflect any sense of crisis in Portland, where police shoot at suspects about 10 times per year. "We were trying to look at it proactively," Rosenthal says. But the controversial shooting of an unarmed woman fleeing a police stop this spring added urgency to the project.

PARC's analysts examined records of 34 "officer-involved shootings" along with two cases where people died while in police custody. Officers were killed in two of the shooting incidents. Police investigations closed out nearly all of the cases with no recommendations for discipline, counseling or retraining of any officers involved. "They're very reticent to question shootings," says Julio Thompson, who now works for PARC. All too often, the intensity of scrutiny seems more driven by concerns

over liability than protecting the safety of police officers and the public. He laments that incidents where guns are fired but no one is hit receive much less attention from internal investigators than those where there are injuries or fatalities. "Yet officers certainly intended to hit somebody when they fired," says Thompson, who has analyzed more than a thousand police shootings.

When officers are killed in shooting exchanges, sound analysis becomes even more difficult, despite the compelling reason to learn from what happened. "On the one hand, there's a good faith desire to learn from mistakes; on the other, there's a good faith desire not to sully the name of the dead, to disrespect a fallen

officer," Thompson observes.

The PARC report, delivered in August, found major deficiencies in the ways Portland police handled the incidents: Investigators delayed taking statements from officers promptly after the shootings; they allowed informal, untaped "pre-interviews" with officers that might corrupt the integrity of statements eventually made for the record; they lost track of paperwork. The report also faulted Portland investigators for focusing mainly on whether officers who shot suspects should be charged with crimes, thereby neglecting questions of tactical error or policy that might be examined in order to extract lessons for prevention of future shootings.

The report's 89 recommendations ranged from rephrasing the department's policy on deadly force to better evidence collection at shooting scenes to better firearms training to purchase of a helicopter. Before its release, the PARC staff met with police officials and auditors, going over the findings in detail; the process cleared up misunderstandings and gave the police a chance to formulate responses. In the end, the department accepted all but eight of the recommendations in full or in part. (After the report's release, however, the Police Chief, Mark Kroeker, resigned at the request of the Mayor, a move that reportedly reflected her longstanding frustration with the chief's leadership, not just the report's findings.)

"This is an issue that has needed to be looked at for years and years," says Gary Blackmer, Portland's City Auditor. "And now I think it's going to change." In addition to its specific recommendations, he says, the report conveys an overall message about attitude, "officers maintaining perspective on situations, showing better judgment about the risks they are taking." He has ordered 500 copies of the report printed for distribution to precinct stations, since "it's actually a very good training document.... It has a huge potential for changing every officer's behavior."

In addition to the Portland project, PARC has helped Walkill, N.Y., carry out terms of a consent decree with the state Attorney General's office that set out a number of reform measures for its police department. Officers were found to have routinely abused their authority, in some cases including "predatory overtures to young women." The decree called for an independent monitor of the department, and the judge in the case appointed PARC to recruit and assist one. The City of Albuquerque, N.M., recently hired PARC to evaluate a police oversight system that it had created in 1998; PARC has also provided advice and technical help on civilian oversight in New Orleans and Detroit.

"Merrick has been absolutely brilliant at identifying systems approaches in large organizations to identify and control misbehavior," asserts Mike Berkow, a deputy chief in the Los Angeles city police department who is an expert on internal affairs issues. Oren Root, PARC's associate director, points out that Bobb has made highly creative use of a role initially conceived of as risk management—helping the county figure out how to minimize payments for lawsuits against the sheriff's department. "He's using risk management to effect change in a police organization. He has a degree of sophistication and knowledge that no one else has."

PARC's work tends to focus on two substantive areas: developing more effective ways for supervisors to monitor behavior of officers on patrol and an ongoing, endlessly fascinating series of inquiries into the nuances of police work on the street.

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Deputies practice a "tactical search warrant" exercise at an abandoned house. Continued training in the proper use of firearms saves lives-of suspects and deputies alike.



Julio Thompson, left, and Django Sibley of PARC's staff are experts in force tactics and patrol management. After interviewing a number of candidates, Portland's city auditor selected PARC as the "most responsible and qualified people in the nation" to conduct an analysis of police shooting incidents.

A river of data, much swollen in recent years as the process has developed, feeds the system. Los Angeles sheriff's deputies and their immediate superiors now routinely assemble "force packages" that document every incident in which a deputy uses force greater than that necessary to put handcuffs on a person. The package includes the deputy's account along with taped interviews with the "recipient of the force," medical workers and any other witnesses; it may also include photos of injuries and the scene of the incident.

"Service comment reports"—complaints or commendations submitted to the sheriffs by citizens after contacts with deputies—are also reviewed and investigated by supervising officers to create similar packages of documents, tapes and photos. Such data, along with reports on shootings, internal affairs inquiries and documents relating to civil claims, lawsuits and requests for discovery, may be archived in a district substation's "admin tracker" system and submitted to the departmentwide Personnel Performance Index, or P.P.I.

All this, pioneered in Los Angeles County in the 1990's, reflects a concept that is gaining adherents in police departments nationwide as it provides managers with information vital to judgments about patrol management. With the records available—and searchable—at the touch of a key or the click of a mouse, a district station commander can monitor deputies' conduct on patrol and the state of relations with the public on a daily, weekly or monthly basis. The brass also can quickly see if a certain deputy has, for example, attracted an unusual number of verbal abuse complaints, another seems too freehanded with the baton or another too trigger happy, then call them in for discussions about attitude and restraint.

The monitoring may suggest that two deputies partnered in a patrol car are "toxic" together—somehow encouraging each other's violence or other misconduct—prompting supervisors to split them up. A lieutenant recruiting a special unit to crack down on street gangs or mount undercover narcotics investigations may quickly probe the backgrounds of new applicants, spotting the potential cowboys and Dirty Harrys before they can get themselves, and the department, into real trouble. And overall, the very existence of the system imposes a certain restraint, since deputies know what will ensue with every use of force, every citizen complaint.

During the 1990's, Pittsburgh, Phoenix, Miami and San Jose, Calif., set up monitoring systems, and the Department of Justice insisted on their creation in settlements with the New Jersey State Police and departments in Los Angeles, Cincinnati and Washington, D.C. "Reporting of less-than-lethal force is now one of the cutting-edge issues in police management and oversight," Chris Stone observes.

Does it work? Department-wide, officer-involved shootings in Los Angeles County fell from 122 in 1996 to 77 in 2002, and the decline appears to reflect enhanced management attention to the issue. The Los Angeles Police Department, right next door, did not experience a similar decline in the same period.

A report on foot pursuits found deputies foolishly splitting up, recklessly barreling around corners or sticking their heads up over walls and fences to 'have a look'—directly in the suspect's line of fire.

"For the most part, guys know that if they use force, they'd better report it," says Sgt. Leonard McCray, who prepares regular reports for his superiors from the admin tracker at the Century district substation. Does it affect the way deputies behave on the job? "Oh most definitely," McCray says. "They don't want to show up on the radar."

Out on patrol, Deputy John Perez agrees that "there's a purpose for the P.P.I.; I understand that." But he laments that "it's not hard to get a complaint; if you're working, taking people to jail or giving them citations, they're going to complain about it."

Paul Denney, operations lieutenant for the Century substation, explains that a deputy's third use of force in a

year triggers an automatic review of the incidents involved, followed by a meeting with the substation captain and possibly an order for retraining, reassignment or other discipline.

"The key is early identification of if we have a problem," Denney says. Reassignments are an effective management tool, he asserts. "We haven't had a person yet who we've moved that continued" to collect force reports.

Suggestions that the system might inhibit aggressive law enforcement are reflected more in squad room grouching than on the streets. Researchers do not detect any relationship between changes in arrest levels and the tracking system, and it's hard to find a deputy who admits to holding back because of it. "Some might have less contact with people because it might generate complaints," says Deputy Perez. "I have the attitude: I'm going to do my job no matter what."

Overall, the computer archiving seems to be a big factor in a cultural shift. "We're a long, long way from where we were when I came on and all we did was write a memo to the watch commander and he would stick it in his safe," McCray says of the old procedure for documenting use of force. "The culture of today versus the culture of that day is phenomenally different," Denney says. "The force we can use, the reporting policies, what management looks into." Today, he says, sergeants and lieutenants have become "arbiters of a lot of first-line supervision that really wasn't there 20 years ago."

As it continues its monitoring of the sheriff's department, PARC is required to submit reports to the county supervisors on a semiannual basis. These combine determined follow-up with quests for new insight into matters most law enforcement agencies would rather not discuss. Taken together, they could form the basis for a unique curriculum in issues of police management. While they invest heavily in the big questions of force tactics and monitoring, they also reflect an uncompromising eye for detail. An early report, for example, criticized a substation's practice of charging visitors a two-dollar parking fee; Bobb argued that it was an unacceptable hindrance to citizen access in a community as automobile-dependent as L.A. County.

Publication of the 16th semiannual report in February made local headlines as it took the administration of the current Sheriff, Leroy Baca, to task for neglecting the P.P.I. The report complained of "sloppy and error-ridden" reports, confusion over what should be entered and delays in entering data. As a result, substations were relying more on their own "makeshift or alternative databases" like the Century station's admin tracker. Sheriff's department officials responded that PARC's concerns were overstated and that since the P.P.I. is mostly used as a way to monitor long-term trends, a more leisurely approach to updating it was acceptable.

"Sometimes somebody has to tell us to clean up our room, and that's what Merrick does," says Chief William McSweeney, a senior manager of the L.A.S.D. "But he has the luxury of not having to operate the system every day."

The report also includes an extensive section on "Dangerous Foot Pursuits" probing a familiar scenario: a deputy confronts a suspect who bolts; the deputy takes off after him and winds up suddenly facing a desperate adversary in a confined space. PARC analyzed 239 shootings that occurred between 1997 and 2002 and found that at least 52 of them involved foot pursuits. "The foot pursuits were in many instances tactically or strategically unsound," the report states.

It goes on to narrate stories, like that of Deputy V. and his struggle with the stop-sign suspect, then points out dangerous lapses: Having lost sight of the man, the deputy never should have entered the yard, especially since he had failed to notify his station, call for backup help and develop a plan before starting the chase. Other officers might have been summoned quickly to surround and isolate the suspect safely.

In other cases, officers foolishly split up, recklessly barrel around corners or stick their heads up over walls or fences "to have a look" directly in the suspect's line of fire.

The report laments that the departments' existing policy on foot pursuits is vague and that supervisors are often reluctant to second-guess deputies' judgments or impose discipline, even in cases of obvious recklessness. The report quotes a lieutenant: "The thinking oftentimes is that if the deputy gets in over his head as the result of a foot pursuit, the fear factor—the deputy's very real realization that his ass could have been dead out there—is enough 'punishment' for the guy not to act like an idiot again."

PARC's analysts point out the obvious problems with such an attitude. They suggest the elements of a more stringent foot-pursuit policy and report that when the Collingswood, N.J., police adopted a new approach, injuries to officers declined with no reduction in arrests.

Not all PARC inquiries produce critical findings. For the 16th report, PARC staff visited "Laser Village," a center for in-service firearms training where deputies are confronted with video simulations of situations they might encounter on patrol. (One depicts a mugger who, as the deputies arrive, releases the victim he had grabbed, then reaches for his back pocket; he may produce either a gun or his wallet.) Instructors observe deputies' responses, then coach them on how they might reduce risks to themselves and avoid unnecessary shootings. "We were impressed by the excellence of training and coaching provided," the report states, reserving criticism for the department's unwillingness to make the training available more frequently.

The quest for greater understanding of police tactics sometimes takes surprising turns. When PARC analysts sought to determine whether deputies were using their batons properly, they consulted the P.P.I. database for all uses of impact weapons in a five-year period. The result was startling: in almost two thirds of the 365 incidents, deputies used their flashlights, not their batons, to strike suspects. This discovery occasioned a tartly worded chapter in the 16th semiannual report.

"The L.A.S.D., like most major law enforcement agencies, teaches that batons are tactically superior weapons, while the flashlight is to be considered only as a 'weapon of necessity'."

PARC recommends that officers be equipped with lighter, smaller flashlights that provide good illumination but can't be used as weapons.

While the admonishing tone of such advice may grate on some police officials' nerves, PARC's reports also send a message that grants them deep moral authority: Its analysts basically respect the work of the Sheriff's Department, strive to understand it in great detail and view their role as helping it do better for the department's sake as well as the public's.

"Begrudgingly, I have to say," observes the Century station's Lieutenant Denney, "I think oversight, done in the right way, is needed.... If they're trying to make the system work better, even at the pain of some uncomfortable feelings, then I think it's an effective thing to do."

Police Reform, at Home and Abroad

Since 1998 the Ford Foundation has supported a coordinated program on democratic policing from several of its offices around the world. The Police Assessment Resource Center is the principal United States grantee in this effort. In May 2002, PARC hosted a global meeting on civilian oversight of the police that brought together Ford grantees from Indonesia, Nigeria, Brazil, South Africa, Chile, the Czech Republic, Kenya and India with their partners in government to compare notes on their most effective strategies. (A paper summarizing those discussions is available at <http://www.vera.org/policeoversight>.)

Starting in 2004, several of the nongovernmental organizations working on police reform in these countries will join together as members of Altus, a new global alliance. With support from the Ford Foundation and other donors, Altus will encourage more NGO's around the world to take up issues of police oversight and accountability in their own countries and help them learn from each other's experiences.

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